

**City of Cape May Zoning Board of Adjustment Meeting Minutes
May 24, 2012**

Opening: In compliance with the Open Public Meetings Act, adequate notice of the meeting was provided. Chairperson White called the meeting to order at 6:30 P.M.

Roll Call:	Mr. White, Chairperson	Present
	Mr. Williams, Vice Chairperson	Absent - excused
	Mrs. Hutchinson	Present
	Mr. Iurato	Present
	Mr. Schmidtchen	Absent - excused
	Mr. Todd	Present
	Mr. Meier	Present
	Mrs. Inderwies, Alt 1	Present
	Mr. Lagos, Alt 2	Absent - excused

Also Present: George Neidig, Board Solicitor
Craig Hurless, P.E., P.P., Board Engineer
Mary Rothwell, Board Assistant/Zoning Officer
Edie Kopsitz, Recording Secretary

**Resolutions: CMQH LLC, 601 Columbia Avenue, Block 1057 Lot 24
Cappelletti, 458-460 West Perry Street, Block 1031 Lot 1**

Chairman White announced the adoption of the Resolutions will be postponed until the next meeting.

Applications:

**Ternove, 719-721 Franklin Street, Block 1080 Lot 32
Hardship/Substantial Benefit Variance(s)**

Craig Hurless clarified his credentials for the record.

Louis C. Dwyer, Jr. Esquire representing Patricia Ternove who was present along with their professionals Ralph Wesner, Architect (of Joseph Courter Jr. Architects) and George Rohana, General Contractor all were sworn in by George Neidig. Mr. Dwyer explained the structure is a contributing historic two family semi detached dwelling that has four (4) bedrooms in each unit with informal grass parking. The property was purchased by his applicant who is restoring it. He explained the deplorable conditions both exterior and interior (the applicant has done interior work). He circulated photographs of the interior conditions past and present (after renovations) that were perused by the Board Members and marked into evidence **A-1** living room before renovation & **A-2** living room after renovations, **A-3** dining area before & **A-4** dining room after, **A-5** living floor area before & **A-6** living floor area, **A-7**, **A-8** bedrooms before & **A-9** bedrooms after, **A-10** , **A-11**, **A-12** & **A-13** exterior conditions, **A-**

14, A15, A-16 & A-17 (1) bathroom after renovation. The applicant proposes an expansion to add 253.56 square feet of habitable area on the second floor above an existing first floor and provide a new rear porch along with four (4) on-site parking spaces. Mr. Roahana's testimony clarified the structures deplorable conditions. Mr. Wesner testimony using plans dated February 6, 2012 revised March 23, 2012 sheets S-1 site plan, Survey by William P. Sweeny dated December 28, 2011 in the R-3 Zoning District and A-1 1st and 2nd floor existing views along with all sides proposed with material, he verified the conditions and proceeded to explain proposed the porch amenity, side and rear views, the creation of parking for four (4) spaces dramatically improve with no detriments and will advance the purpose of zoning. Mr. Dwyer stated this case unmistakably satisfies the positive criteria with no downside what so ever with the other residences and the Historic Preservation Commission being thrilled and encouraging of the proposed restoration. Ms. Ternove's testimony verified all that was stated and elaborated in detail the renovations of the interior and that she is anxious to proceed with the exterior in Phases and restore the structure.

Board Engineer, Craig Hurless then reviewed his report of April 17, 2012 clarifying the description of the Dwelling for the membership. He detailed the proposal and clarified, NJSA 40:55D-70c (1) Hardship Variance and NJSA 40:55D-70c (2) Substantial Benefit Variance. Mr. Hurless refers to his completeness review on page 2, C & D Variances & Conditional Use Approval items, #20, #21, #24, #25, #26 and #27. He addressed the Zoning table on page 3 for the R-3 District "Semidetached" and sited ordinance §525-16. He clarified the standard, required, existing, proposed and status. He continued with the variances sought as §525-16B (1) Table 1 Lot Size, §525-16B(1)Table 1 Lot width & Lot frontage, §525-16B (1) Table 1 Building setback, §525-16B (1) Table 1 Side Yard setback, §525-52 Floor Area Ratio (FAR) and §525-52 Expansion of Non-conforming Structures on Non-conforming lots. His General Review comments on pages 4 through 5, items #1 Easement (with Mr. Dwyer & Ms. Ternove responding and Mr. Neidig clarifying testimony on the easement existed for over 30 years) , #2, #3, #4, #5, #6, #7 #8(HPC Conceptual will return for Final) and 9 last sentence.

The meeting was opened to the Public at 6:55 PM and closed with no one coming forward.

Members were positive on the application commending the renovations of the interior and are anxious to see the exterior move forward. Mary Rothwell, Zoning Officer/Board Assistant requested clarification if the parking spaces will be designated with Mr. Dwyer responding as of now it they are not. Ms. Rothwell questioned if they are proposing shower enclosures and if they are they should be noted on the plan. The Applicant responding they were not.

Motion made by Mr. Todd that all Variances be granted collectively §525-16B (1) Table 1 Lot Size, §525-16B(1)Table 1 Lot width & Lot frontage, §525-16B (1) Table 1 Building setback, §525-16B (1) Table 1 Side Yard setback, §525-52 Floor Area Ratio (FAR) and §525-52 Expansion of Non-conforming Structures on Non-conforming lots. Seconded by Mr. Meier and carried 6-0. Those in favor: Mr. Iurato, Mr. Todd, Mrs.

Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Todd to approve the completeness waivers as noted on Mr. Hurless completeness review report dated April 17, 2012 page 2 from sections, #20, #21, #24, #26 and #27. Seconded by Mr. Meier and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Todd, Mrs. Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

Motion made by Mr. Todd to impose the following conditions: Craig Hurless report dated April 17, 2012 of the General Review Comment's pages 4 & 5 - #2, #3, #4, #5, #6, #7, #8 and #9. Seconded by Mrs. Inderwies and **carried 6-0.** Those in favor: Mr. Iurato, Mr. Todd, Mrs. Hutchinson, Mr. Meier, Mrs. Inderwies and Mr. White. Those Opposed: None. Those Abstaining: None.

**Victorian Harbor Condominium Association, 1534 Yacht Avenue
Block 1160 Lot(s) 27, 27.01
Use/Hardship/Substantial Benefit Variance(s)
Preliminary & Final Site Plan Review**

Louis Dwyer, Esquire correspondence received by Mary Rothwell, Board Assistant/Zoning Officer dated May 21, 2012 was discussed. He is requesting the Application be carried to the next meeting at which time the Board is anticipated to have seven (7) members. George Neidig clarified the applicant rights to a Seven Member Board for a Use Variance and informed Members the City list omitted 10 names within 200 feet. Mr. Dwyer will have to notice the names that were omitted. Mary Rothwell informed Mr. Dwyer that there will be a Full Board for the July 26, 2012 meeting. Mr. Neidig announced the July 26, 2012 for the Victorian Harbor Condominium without further notice except for the omitted names for the record.

Motion made by Mr. Iurato to adjourn @ 7:05pm. Seconded by Mr. Todd **and carried with all in favor.**

A verbatim recording of said meeting is on file at the Construction/Zoning Office.

Respectfully submitted: Edie Kopsitz, Recording Secretary.